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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,313	10/30/2001	Daniel A. Balluff	10012941-1	4747

7590 06/22/2005

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EXAMINER

THERIAULT, STEVEN B

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,313

Applicant(s)

BALLUFF, DANIEL A.

Examiner

Steven B. Theriault

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: Amendment filed on 04/08/2005.

This action is made Final.

2. Claims 1-15 are pending in the case. Claims 1, 11, 14 and 15 are the independent claims. Claims 11 and 13 are the amended claims. Claim 12 has been cancelled.

Applicant's attention is directed to the fact that a new examiner has been assigned to this case.

The Examiner's name and telephone number are provided below.

Drawings

3. The drawings were received on 04/08/2005. These drawings are acceptable.

Claim Rejections - 35 USC § 102

4. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-4 and 11, 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Keyworth, II et al (hereinafter Keyworth) U.S. Patent No. 5,579,472 issued Nov. 26, 1996, and filed Nov. 9, 1994.**

In regard to **Independent claim 1**, Keyworth teaches a system for facilitating message notification for an electronic communication device comprising:

- First means for organizing individual messages received via said electronic communication device according to individual users of said device and providing a signal in response thereto and second means for automatically enabling said individual users to visually distinguish said individual messages based on said signal (Keyworth Figure 3

and column 2, lines 13-55) Keyworth teaches a user interface system that displays a message queue and message information that is segregated by member and group with status indicators and colors. Keyworth teaches a visually distinguishing icon represents the user and colors are used to identify a message status as having been received and not read or urgent. Additionally, Keyworth teaches the ability to configure colors and icons by user.

With respect to **dependent claim 2**, Keyworth teaches a *system where the second means includes a display for displaying contents of said individual messages in various visually distinguishable formats corresponding to various individual users* (Keyworth Figure 3 and column 2, lines 13-55) Keyworth teaches the use of an icon and colors to visually identify the users and using colors that are assigned to a specific user that signify when a incoming message or an outgoing message is within the users mailbox. Keyworth also teaches the system is able to organize e-mail, voice-mail and fax messages with the mailbox (Keyworth column 3, lines 33-55).

With respect to **dependent claim 3**, Keyworth teaches the system *where said second means includes means for converting said individual messages into text messages and scrolling said text messages via visually distinguishable text, said text differing for each of said various individual users* (Keyworth Figure 6 and column 7, lines 1-20) Keyworth shows in (figure three) a system where individual messages are converted into text for display that can be scrolled in the text area. Keyworth also shows the visually distinguishing icon that represents the user or owner of the mailbox and colored status indicators that employ a color-coding scheme let the user know at a glance what the status of a message is.

With respect to **dependent claim 4**, Keyworth teaches the system where *said text differs in color or font based on an intended recipient of said messages or message* (Keyworth Figure 6 and column 7, lines 1-20) Keyworth shows the visually distinguishing icon that represents the user or

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owner of the mailbox and colored status indicators that employ a color-coding scheme let the user know at a glance what the status of a message is. Additionally, Keyworth teaches the ability to scan into the system an actual picture of the user, which would be in color and identify the user.

In regard to **Independent claim 11**, Keyworth teaches a *modular convergence device that efficiently notifies multiple users of pending messages comprising:*

- *First means for receiving messages associated with one or more addressees and (Keyworth Figure 2) Keyworth shows a group gallery organized for receiving messages with one or more addressees*
- *Second means for displaying message notifications corresponding to said messages, said message notifications visually distinguishable according to addressee (Keyworth Figure 2 and figure 6) Keyworth shows message notifications associated with each user in which a count is made of new messages and displayed in color on the bottom of a pictorial representation of each user. Figure 6 shows the individual view where the messages are visually distinguished by associating symbols with the messages. Figure 3 shows the ability to view the wireless mail for all users by selecting the wireless mail icon in which multiple users messages will be displayed.*
- Third means for displaying content of said messages in said notifications. Keyworth shows in Figure 6 where the user receives multiple message notification and where the user selects a specific notification and the information is automatically presented in the same window.

Keyworth also teaches a system that interacts with a variety of communications media such as a fax, a pager and, a voice-mail system and e-mail system. Keyworth also teaches a user interface system that displays a message queue and message information that is segregated by member and group with status indicators and colors. Keyworth teaches a visually distinguishing icon represents the user and colors are used

to identify a message status as having been received and not read or urgent.

Additionally, Keyworth teaches the ability to configure colors and icons by user (Keyworth Figure 3 and column 2, lines 13-55).

With respect to **dependent claim 13**, Keyworth teaches *the device further including fourth means for customizing said message notifications according to color or graphic pattern, personalized for each of said multiple users* (Keyworth figure 3 and column 4, lines 42-67) Keyworth teaches a color coding scheme to alert the user of the current status of messages.

In regard to **Independent claim 14**, Keyworth teaches *a system for facilitating message notification for an electronic communications device comprising: first means for organizing individual messages received via said electronic communications device according to individual users of said device and providing a signal in response thereto and second means for automatically enabling said individual users to visually distinguish said individual messages based on said signal via customized message notification bands having different colors or graphics for different individual users* (Keyworth Figure 3 and column 2, lines 13-55) Keyworth teaches a system that interacts with a variety of communications media such as a fax, a pager and, a voice-mail system and e-mail system. Keyworth also teaches a user interface system that displays a message queue and message information that is segregated by member and group with status indicators and colors. Keyworth teaches a visually distinguishing Icon represents the user and colors are used to identify a message status as having been received and not read or urgent. Additionally, Keyworth teaches the ability to configure colors and icons by user.

In regard to **Independent claim 15**, Keyworth teaches *a method for facilitating message notification for an electronic communications device comprising the steps of: organizing individual messages received via said electronic communications device according to individual users of*

said device and providing a signal in response thereto and automatically enabling said individual users to visually distinguish said individual messages based on said signal (Keyworth Figure 3 and column 2, lines 13-55) Keyworth teaches a system that interacts with a variety of communications media such as a fax, a pager and, a voice-mail system and e-mail system. Keyworth also teaches a user interface system that displays a message queue and message information that is segregated by member and group with status indicators and colors. Keyworth teaches a visually distinguishing icon represents the user and colors are used to identify a message status as having been received and not read or urgent. Additionally, Keyworth teaches the ability to configure colors and icons by user.

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keyworth, II et al (hereinafter Keyworth) U.S. Patent No. 5,579,472 issued Nov. 26, 1996, and filed Nov. 9, 1994 and in view of, Johnston, Jr. et al (hereinafter Johnston) U.S. Patent No. 6,104,391 issued Aug. 15, 2000, and filed June 22, 1999.

With respect to **dependent claim 5**, as indicated in the above discussion, Keyworth discloses every element of the claim 2.

Keyworth fails to expressly disclose *a system where the said visually distinguishable formats include visually distinguishable bands across said display, said bands visually differing based on intended recipients of said individual messages.*

Johnston teaches a system for customizing the appearance and behavior of the desktop (Johnston column 3, lines 24-41) for the purpose of allowing users to have additional flexibility over the appearance of interface objects in a GUI (Johnston column 3, lines 15-20).

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Keyworth and Johnston before him at the time of the invention was made, to modify the messaging system as taught by Keyworth to include the appearance management layer of Johnston, in order to obtain a system that is able to provide a user with the ability to customize the messages with visually identifying characteristics. One would have been motivated to make such a combination to provide a non-standard graphical pattern to a desktop object that is customized by the user as taught by Johnston.

With respect to **dependent claim 6**, as indicated in the above discussion, Keyworth is view of Johnston discloses every element of the claim 5.

Keyworth fails to expressly disclose *the system where the visually distinguishable bands differ by color, each band associated with a predetermined color assigned to a specific user.*

Johnston teaches a system for customizing the appearance and behavior of the desktop (Johnston column 3, lines 24-41) for the purpose of allowing users to have additional flexibility over the appearance of interface objects in a GUI (Johnston column 3, lines 15-20). Johnston also teaches that the color of individual desktop objects can be configurable by the user (Johnston column 22, lines 45-67 and column 23, lines 1-20).

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Keyworth and Johnston before him at the time of the invention was made, to modify

the messaging system as taught by Keyworth to include the appearance management layer of Johnston, in order to obtain a system that is able to provide a user with the ability to customize the messages with visually identifying characteristics. One would have been motivated to make such a combination to provide a non-standard graphical pattern with a color to a desktop object that is customized by the user as taught by Johnston.

With respect to **dependent claim 7**, as indicated in the above discussion, Keyworth is view of Johnston discloses every element of the claim 5.

Keyworth fails to expressly disclose *the system where the said visually distinguishable bands differ by graphical pattern*.

Johnston teaches a system for customizing the appearance and behavior of the desktop (Johnston column 3, lines 24-41) for the purpose of allowing users to have additional flexibility over the appearance of interface objects in a GUI (Johnston column 3, lines 15-20). Johnston also teaches a pattern lookup table that allows the user to choose from an array of system and customized patterns (Johnston column 14, lines 54-67).

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Keyworth and Johnston before him at the time of the invention was made, to modify the messaging system as taught by Keyworth to include the appearance management layer of Johnston, in order to obtain a system that is able to provide a user with the ability to customize the messages with visually identifying characteristics. One would have been motivated to make such a combination to provide a non-standard graphical pattern with a color to a desktop object that is customized by the user as taught by Johnston.

8. **Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keyworth, II et al (hereinafter Keyworth) U.S. Patent No. 5,579,472 issued Nov. 26, 1996, and filed Nov. 9,**

1994 and in view of Kelsey et al (hereinafter Kelsey) U.S. Patent No. 6,330,676 B1 issued Dec. 11, 2001 and filed Sept. 8, 1998.

With respect to **dependent claim 8**, as indicated in the above discussion, Keyworth discloses every element of the claim 2.

Keyworth fails to expressly disclose a system including *a third means for sensing when one of said individual users enters a room in which said system is installed and providing an enable signal in response thereto.*

Kelsey teaches a system for detecting the presence of users within the vicinity of the system and for identifying particular users and for initiating particular activities such as power on of a computer system (Kelsey column 1, lines 55-67 and column 2, lines 1-19) for the purpose of eliminating the manual tasks of powering up the computer and allowing the user to focus on other more important tasks (Kelsey column 1, lines 20-36).

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Keyworth and Kelsey before him at the time of the invention was made, to modify the messaging system as taught by Keyworth to include the sensors of Kelsey, in order to obtain a system that is able to provide an automatic startup when a user presence is detected. One would have been motivated to make such a combination because of the need for customizing the auto initiating of particular computer systems activities in order to save start-up time and free-users to do other tasks as taught by Kelsey.

With respect to **dependent claim 9**, as indicated in the above discussion, Keyworth in view of Kelsey discloses every element of the claim 8.

Keyworth fails to expressly disclose *a system further including fifth means for automatically activating said second means based on said enable signal.*

Kelsey teaches a system for detecting the presence of users within the vicinity of the system and for identifying particular users and for initiating particular activities such as power on

of a computer system (Kelsey column 1, lines 55-67 and column 2, lines 1-19) for the purpose of eliminating the manual tasks of powering up the computer and allowing the user to focus on other more important tasks (Kelsey column 1, lines 20-36).

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Keyworth and Kelsey before him at the time of the invention was made, to modify the messaging system as taught by Keyworth to include the sensors of Kelsey, in order to obtain a system that is able to provide an automatic startup when a user presence is detected. One would have been motivated to make such a combination because of the need for customizing the auto initiating of particular computer systems activities in order to save start-up time and free-users to do other tasks as taught by Kelsey.

With respect to **dependent claim 10**; as indicated in the above discussion, Keyworth in view of Kelsey discloses every element of the claim 9,

Keyworth fails to expressly disclose the system *where said sensor includes a motion sensor or a light sensor*.

Kelsey teaches a system for detecting the presence of users within the vicinity of the system and the proximity sensor is a ultrasonic or infrared sensor and can be a infrared-photo transistor that can search for objects with a temperature of 98.6 (Kelsey column 5, lines 15-20) for the purpose of activating the computer system when a particular user is detected by the sensor.

Accordingly, it would have been obvious to one of ordinary skill in the art, having the teachings of Keyworth and Kelsey before him at the time of the invention was made, to modify the messaging system as taught by Keyworth to include the sensors of Kelsey, in order to obtain a system that is able to provide an automatic startup when a user presence is detected. One would have been motivated to make such a combination because of the need for customizing the auto initiating of particular computer systems activities in order to save start-up time and free-users to do other tasks as taught by Kelsey.

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Response to Arguments

9. Applicant's arguments filed 04/08/2005 have been fully considered but they are not persuasive.

Applicants argument that a means for visually distinguishing messages doesn't exist.

Applicant argues that none of the references teach or disclose a means for automatically enabling users to "**visually distinguish individual messages**" because none of the references suggest a system for facilitating message notification for an electronic device. (See applicants argument page 6, Para 4, lines 25-28 and Page 7, lines 1-2)

The Examiner disagrees.

Keyworth expressly teaches a system that processes and displays communications from a variety of media where messages are displayed in a visually distinguishable manner for each user (see Keyworth figure 6) and multiple users (see Keyworth figure 3). Keyworth shows (see figure 3) a gallery depicting multiple users with a tabular and color indicator below a pictorial representation of each user where the number of new messages is displayed in a specific color, for the purpose of alerting the user of a newly received message (Keyworth column 4, lines 41-56). The messages are assigned automatically to a box based on status. Keyworth further teaches a process of visually assigning a specific symbol, representing the type of message, to the messages listed in the inbox that **visually distinguish each message** by communication medium. For example, messages are displayed with a picture of a telephone console, which visually represents a voicemail message or an antenna, which visually represents a wireless message. Additionally, Keyworth teaches the desired need to provide a communications interface with the ability to designate communications to and from a select group of individuals along with directional indication and status indicators of the messages.

Johnston fails to expressly teach a system that allows users to visually distinguish individual message notifications and Keyworth fails to expressly disclose a system where the said visually distinguishable formats include visually distinguishable bands across said display, said bands visually differing based on intended recipients of said individual messages. However, Johnston expressly teaches the modification of objects to include a visually distinguishable pattern as a background (see Johnston figure 9). Keyworth in view of Johnston teaches a message notification system that is able to adjust the look and feel of display objects to include background patterns in the interface objects, for the purpose of customizing objects to the users desires. The motivation for combining the teachings Johnston with Keyworth is to allow the application users to have additional flexibility and control over the appearance and behavior of desktop objects as taught in Johnston.

Kelsey fails to expressly teach a system that allows users to visually distinguish individual message notifications and Keyworth fails to expressly disclose a system where the system automatically detects a user walking into a room. However, Kelsey expressly teaches a system that automatically initiates system activities based on the proximity detection of the user (see Kelsey column 2, lines 1-18). Keyworth in view of Kelsey teaches a system that detects a users proximity to the computer for activation of the message notification system, for the purpose of freeing users of the task of manually starting specific programs or accessing the security of the machine each time they operate it. Motivation for combining the teachings of Kelsey with Keyworth is to provide a system that can determine whether the user is the authorized user or recipient of the messages and detecting proximity to 4evarious devices as taught by Kelsey.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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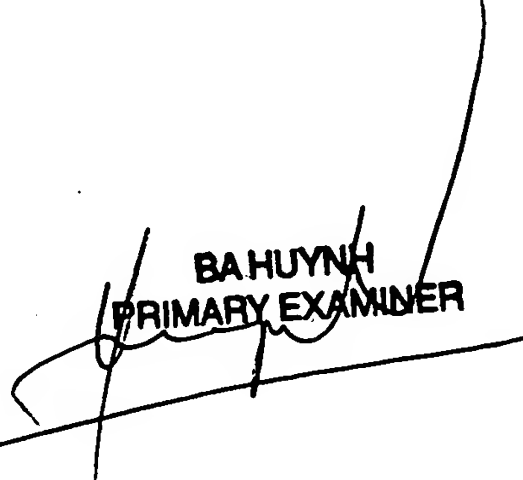
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:00 - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT



BA HUYNH
PRIMARY EXAMINER